

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: COLD CREEK INDUSTRIAL PARK

Case Number: PLD2004-00082; SEP2004-00146; EVR2004-00075

Location: East side of NE 40th Avenue south of NE 68th Street.

Request: The applicant is requesting to subdivide 40.35 acres into 15 lots and to construct street, stormwater, and utility infrastructure improvements, located in the Light Industrial (ML) zoning district.

Applicants: Genteel Investments, LLC
Attn: Roy Heikkala
PO Box 1434
Vancouver WA 98668
(360) 694-5364; (360) 694-3875 FAX
E-mail: Royheikkala@prodigy.net

Contact Person: Same as applicant

Property Owner: Vancouver School District
2901 Falk Rd
Vancouver WA 98668
(360) 313-1048; (360) 313-1041 FAX
E-mail: thorenst@vansd.org

RECOMMENDATION

Approve, subject to Conditions of Approval

Team Leader's Initials: **Date Issued: November 9, 2004**

Public Hearing Date: November 23, 2004

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov

Engineer (Trans. & Stormwater):	Paul Knox	4910	Paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Light Industrial

Parcel Number(s): Tax Lots 35(149132), 32 (149129), 1 (156424), and 8 (156428), located in the SE ¼ of Section 12, Township 2 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapters: 40.230.080 (Industrial Districts); 40.320 (Landscaping and Screening); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.550.010 (Road Modifications); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Andresen/St Johns Neighborhood Association
Deborah Hoffman, President
7318 NE 61st Ave
Vancouver WA 98661
(360) 699-4043

Time Limits:

The application was determined to be fully complete on September 24, 2004 (see Exhibit #10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 25, 2004. The State requirement for issuing a decision within 120 calendar days lapses on January 22, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on July 1, 2004. The pre-application was determined to qualify for contingent vesting on June 10, 2004.

The fully complete application was submitted on September 9, 2004 and determined to be fully complete on September 24, 2004. Given these facts the application is vested on June 10, 2004.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Andresen/St Johns Neighborhood Association, and owners of property located within 300 feet of the site on September 24, 2004. One sign was posted on the subject property and two within the vicinity on November 8, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on September 24, 2004.

Public Comments:

In response to the public notice, the county received three comment letters as described below:

1. Received on October 4, 2004 from Thom McConathy, Clark County Water Quality Resource Council, 1017 NE 107th Street. Mr McConathy's letter (Exhibit #14) objects to a SEPA Determination of Non-Significance, "based on the suspension of the requirement of sewers", and expresses concern for groundwater contamination by future development on the site.

Staff Response:

As indicated in the SEPA checklist completed by the applicant, "No waste material will be discharged into the ground. Sanitary sewer service will be provided by the City of Vancouver municipal sewer system."

Connection to public sewer is required as a condition of building permit issuance by CCC 40.370.010(C). The applicant has submitted a utility review from the City of Vancouver indicating that sewer service is available on the site, and the applicant proposes to extend sanitary sewer lines to each of the proposed lots.

Furthermore, future development on the lots in this subdivision will be subject to site plan review and further SEPA review. All proposed uses will also be subject to the Critical Aquifer Recharge Areas (CARA) ordinance (CCC 40.410), unless exempt. The CARA ordinance will further protect against groundwater contamination.

Staff finds that no change to the SEPA Determination of Non-Significance is necessary.

2. Received on October 8, 2004 from Washington Department of Ecology. The DOE letter (Exhibit #15) states that the development site is near two known contaminated sites located at 7608 NE 47th Avenue and 7525 NE 47th Street, and that contaminants may be present at the development site.

The letter also cites state water quality standards, stating that erosion control measures must be in place prior to clearing, grading, or construction; and that Cold Creek running through the site must be protected from sediment and pollutants.

A stormwater permit under NPDES may be required, and the applicant is advised where to file a Notice of Intent.

The letter also states that a hydraulic project approval from the Washington Department of Fish and Wildlife is required.

Staff Response

Refer to Finding 5 below regarding nearby contamination.

The applicant's construction plans will be reviewed for compliance with the requirements of the county Stormwater & Erosion Control Ordinance, which will ensure that the project does not result in any degradation to streams. The applicant has been provided with a copy of the DOE letter, and is responsible for compliance with all applicable state regulations.

The applicant has submitted a letter from the Department of Fish and Wildlife, dated August 30, 2001 (Exhibit #8 @ Tab 5), stating that "Cold Canyon Ditch" on the site is a man made feature excavated into upland soils at this location, and is not a water of the state regulated by the Hydraulic Code. Also, DOE staff subsequently declared in an e-mail to the applicant (Exhibit #17) that she was mistaken about the requirement for a hydraulic permit.

3. Received by e-mail on October 22, 2004, from David Orlow, 3901 NE 65th Street. Mr Orlow's letter (Exhibit #18) suggests that NE 40th Avenue and NE 47th Avenue should be connected through to Minnehaha Street to the south as part of this project. He opines that the intervening property on the south is unlikely to develop due to the BPA right-of-way encumbering the property. He states that the added volume of traffic generated will create an unacceptable safety risk by exiting the site via St Johns Road, due the curve at that location.

Staff Response

The county possesses no statutory authority to require this development to extend streets through the adjacent properties, which are not owned or controlled by the developers. However, NE 47th Avenue will be extended through to Minnehaha Street as a condition of approval of the Minnehaha Business Park development. This development has received preliminary approval for the property abutting this site on the east. Recommended Condition of Approval A-7 in this report requires the 47th Avenue extension to be completed prior to final plat approval for Cold Creek Industrial Park.

A site plan review application (PSR 2004-00027 – R Jones 11-Acre Development) for development on the southerly-abutting parcel has been denied, in part for not extending NE 40th Avenue through the site. The denial is currently under appeal by that applicant.

Off-site improvements to NE St Johns Road and NE 68th Street at their intersection will be constructed by this development, which will increase the safety at that location. Refer to the Transportation findings herein.

Project Overview

The site consists of four contiguous tax lots totaling approximately 40.35 acres, and is currently vacant, primarily covered by field grasses except for a grove of fir trees near the east side north property boundary and a few fruit trees near the northwest corner. The terrain is gently rolling.

A drainage ditch (Cold Creek) traverses the site, running within a 40-foot wide easement from the east boundary to the south boundary near the southwest corner.

The site contains no environmentally sensitive lands, Cold Creek having been determined to be an artificial wetland exempt from jurisdictional regulation.

NE 40th Avenue abuts the site on the west, and NE 68th Street abuts the east 180 feet of the north property boundary.

The site is located within the Vancouver sewer and water districts, Fire District #5, and the Orchards transportation impact fee subarea.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Light Industrial	Light Industrial (ML)	Vacant
North	Light Industrial	Light Industrial (ML)	Single-family Residential
East	Light Industrial	Light Industrial (ML)	Single-family Residential
South	Light Industrial	Light Industrial (ML)	Light Industrial
West	Light Industrial	Light Industrial (ML)	Light Industrial

Effective September 22, 2004, the zoning of the site was changed to Business Park (BP) as a result of adoption of the Comprehensive Plan Update by the Board of County Commissioners (Ordinance 2004-09-02). However, this land division application, as indicated above, is vested on June 10, 2004, prior to the effective date of the BP zoning. Therefore, this review is based on ML zoning. Future site plan review applications for development of the lots in this plat will be subject to zoning and other ordinances that are affective on the future vesting dates of such applications, in accordance with CCC 40.510.020(G).

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Industrial Lot Standards

CCC Table 40.230.080-2 contains minimum dimensional standards for new lots in the Light Industrial zone, as follows:

- 10,000 sq ft – minimum lot area
- 100 feet – minimum lot width
- 100 feet – minimum lot depth

The lot layout depicted on the preliminary development plans comply with these standards.

Finding 2 Development Standards

Although this application includes a traffic study based on potential future industrial development on the site for purposes of estimating future traffic impacts and for vesting vehicle trips under the concurrency ordinance, no uses are being approved for this site as part of this land division application. Any approval of this application is limited to division of the property into lots of record and construction of streets, stormwater, and utility infrastructure. No uses shall be established on this site prior to site plan approval in accordance with CCC 40.520.040. (see Condition B-1)

At the time of site plan review, the proposed development will be subject to the development standards for the Business Park (BP) zone in CCC 40.230.030(D) regarding building setbacks, maximum building height, maximum lot coverage, and landscaped areas. Development of the lots will also be subject to all applicable design standards in Subtitle 40.3.

Finding 3 Landscaping

The applicant has submitted a preliminary landscape plan showing proposed landscape plantings within the street rights-of-way and within the stormwater tracts.

Staff will defer the requirement for landscape buffers (pursuant to CCC 40.320.010) until site plan review. Also, the minimum 20% landscape coverage of the site required in accordance with CCC 40.220.020(C)(5) will be reviewed in conjunction with site plan review. Therefore, the landscaping proposed in conjunction with this subdivision application is elective and not specifically required by code.

The landscape plan is also reviewed by Engineering Services staff, who will require that landscape plantings do not interfere with sight distance along the streets, and that landscape plantings will be compatible with the functions of water quality facilities.

CRITICAL AREAS:

Finding 4 Wetlands

The County Wetlands Biologist has determined that the reach of the Cold Creek Ditch located on the site is an artificial wetland created from uplands, and is thus exempt from the Wetlands Ordinance pursuant to CCC 40.450.010(C)(2). Refer to Exhibit #8 @ Tab 6. There are no other wetlands on the site.

Finding 5 Contamination

The Washington Department of Ecology has submitted a letter stating that the development site is near two known contaminated sites located at 7608 NE 47th Avenue and 7525 NE 47th Street, and that contaminants may be present at the development site. It further states that contaminated soils or water may require special handling and/or disposal to protect site workers, visitors, public health, or the environment.

Therefore, staff finds that a condition of approval is warranted requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered. The applicant has been provided with a copy of the DOE letter. (see Condition B-2)

TRANSPORTATION CONCURRENCY:

Finding 4 Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The county's

Traffix™ model includes the intersections of regional significance in the area and the county's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the proposed Cold Creek Industrial Park. The site proposes a 15 lot industrial park with 750,000 SF. The proposed development is located north Minnehaha Street, west of 47th Avenue. The applicant's traffic study has estimated the total net new weekday AM peak hour trip generation at 487 new trips, and PM peak hour trip generation is estimated at 620 trips. The following paragraphs document two transportation issues for the proposed development.

Finding 5 Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses to the public roadway network. The development plan proposes an east-west roadway that will connect NE 40th Avenue and NE 47th Avenue. The traffic study proposes two accesses, one at NE 40th Avenue at NE 68th Street, and the other onto the proposed NE 47th Avenue extension. These accesses are proposed to be full movement unrestricted accesses. Both accesses appear to maintain acceptable LOS.

Finding 6 Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. Therefore, the proposed development complies with the Concurrency Ordinance (CCC 40.350.020).

The applicant should reimburse the county for costs incurred in running the concurrency model. (see condition A-1)

Finding 7 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(6)(a). This section states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020, or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 8 Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; all of the historical accident rates at these intersections are below 1.0

accident per million entering vehicles. Therefore, mitigation by the applicant is not required based on accident history.

Finding 9 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met.

Turn lane warrants were met for a southbound left turn along St. Johns Road at NE 68th Street for the existing condition and with the proposed development. Cold Creek Industrial Park will increase traffic to this movement by 50% in the PM peak hour and double the traffic in the AM peak hour. St. Johns Road is a 45 mph, high volume, arterial roadway. Without the south-bound turn lane, but with the increased traffic volumes, the potential for accidents increases. County staff finds that a safety hazard would be caused or materially aggravated by the proposed development. The applicant can mitigate the safety concern by installing the southbound left turn lane. The turn lane will need to provide storage adequate to accommodate the 95th percentile vehicle queues. A letter from the applicant volunteering the turn lanes is required for an approval recommendation from Public Works—Transportation. (see Condition A-2)

The westbound approach at the NE 68th Street at St. Johns Road intersection was analyzed in the applicant's traffic study. The development is estimated to add 98 trips to the westbound approach to St. Johns in the PM peak hour. The applicant has volunteered to install a separate left and right turn lane. The turn lanes will need to provide storage adequate to accommodate the 95th percentile vehicle queues. (see Condition A-3)

To comply with these requirements, the applicant shall submit a signing and striping plan and a work order, authorizing Clark County Road Operations to perform the required work. The Department of Public Works must approve this work prior to final plat approval. (see Condition A-4)

Finding 10 Traffic Signal Warrants

The traffic study analysis assumed for the site build-out condition, included the signalization of NE 47th Avenue at NE Minnehaha Street. The signal is warranted and the applicant has volunteered to install the signal. The study recommends that the north leg provide for a southbound left turn lane, a southbound through/right turn lane and a northbound through lane. The turn lanes shall provide storage adequate to accommodate the 95th percentile vehicle queues. The design for the new leg, signal modification and all related features will require review by Public Works—Transportation staff. A letter from the applicant volunteering the improvements is required for an approval recommendation from Public Works—Transportation. (see Condition A-5)

To comply with these requirements, the applicant shall submit a signing and striping plan and a work order, authorizing County Road Operations to perform the required work. The Department of Public Works must approve this work prior to final plat approval. (see Condition A-4)

The signal warrant for the PM peak hour is marginally met for the intersection of NE St. Johns Road and NE 68th Street. Staff agrees with the applicant that a signal should not be installed at the intersection at this time. The proposed turn lane mitigations at the intersection result in an acceptable level of service and address safety issues. Furthermore, the intersection is not an optimal location for a signal due to the proximity to the railroad tracks to the north and the intersection to the south.

Finding 11 Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (see condition B-3)

Finding 12 City of Vancouver Concurrency

As part of the interlocal government agreement signed with Clark County on July 21, 1998, the City of Vancouver Concurrency staff has reviewed the proposed Cold Creek Industrial Park, and has provided comments (see Exhibit #20)

The City will incur a modeling expense for evaluating the impact of the proposed development on the transportation corridors. This expense should be reimbursed to the City. The following are the operational model corridors impacted by the development and appropriate fees based on the submitted trip distribution. The fee is based on the \$30.00/PM peak entering the corridor.

- 1) Andresen, SR-500 to 78th Street Corridor Concurrency Model fee is \$1500
- 2) Andresen, Mill Plain to SR-500 Corridor Concurrency Model fee is \$1500
- 3) Mill Plain, Andresen to I-205 Corridor Concurrency Model fee is \$1500
- 4) Fourth Plain, Stapleton to I-205 Corridor Concurrency Model fee is \$930
- 5) Mill Plain, I-205 to NE 136th Avenue Corridor Concurrency Model fee is \$330

The City incurs additional inspection costs for mitigation required for off-site improvements. The applicant should be required to reimburse the City's costs for the inspections for these off-site improvements. (see Condition A-6)

TRANSPORTATION:

Finding 13 Circulation Plan

The proposed development is located in an area which is currently underserved by an incomplete and disconnected system of private and public roadways. Staff finds there is a need for improvements to the existing vehicular cross circulation in order to integrate the various streets in this area into an efficient and safe transportation network. Because this project represents the largest remaining area of undeveloped land in this vicinity, it represents the best opportunity to address the deficiencies in cross circulation in the existing road network.

The proposed road system provides for connection of several of the streets in the area and represents a significant improvement to vehicular circulation in the area. The applicant proposes to extend NE 47th Avenue, to be stubbed to the project's

east boundary by the Minnehaha Business Park (PSR2002-00028), and connect to the existing section on NE 47th Avenue at NE 68th Street, which will provide a north-south connection to the Minor Arterial road, NE Minnehaha. The project will extend NE 40th through the site, allowing for a north-south connection to NE Minnehaha with future development of the R. Jones 11-acre warehouse development (PSR2004-00027). The applicant proposes an east-west road through the site to extend from existing intersection of NE 68th Street and NE 40th Avenue at the site's western boundary to a proposed intersection with NE 47th Avenue near the site's eastern boundary. The resulting road network will provide for a maximum block length of approximately 2,000 feet and a maximum block perimeter of approximately 5,900 feet. These length exceed the maximum block length of 800 feet and a maximum block perimeter of 3,200 feet given in CCC 40.350.030(B)(2), but represent a vast improvement from the existing condition.

The existing block perimeter that exists at the site today exceeds 19,000 feet and requires traveling a very circuitous route through largely residential neighborhoods, which is served by a single north-south circulation road, NE 58th Avenue. The applicant has submitted a road modification request with the traffic study requesting that the site road system be allowed to exceed the county's maximum block length and maximum block perimeter standards. That request is recommended for approval. Refer to Finding 18 below.

An unimproved 60-foot wide right-of-way extends to the site's southern boundary approximately 1,100 feet east of the site's southwest corner. The applicant does not propose to extend a street stub to the south to connect to this right-of-way, arguing that it is generally desirable to limit number of intersections on NE Minnehaha. We understand that Public Works is in general agreement with this concept. Community Development is also aware that parties interested in developing the parcels which adjoin this parcel have found the county requirement to provide frontage improvements along this dedicated right-of-way to be a significant burden, as the grading and road improvements would be required to connect to a street stub at this location are very likely not proportionate to the very small area of these lots which are not encumbered by an existing Bonneville Power Administration easement. As a result, the applicant's proposal to not extend a street stub can be supported.

Staff finds the direct nature of the connections to the surrounding arterial roads, NE Minnehaha Street and NE St. Johns Road, will offer more attractive routes with shorter travel times than alternative routes through the existing residential streets to the east of the site. As a result, staff does not believe it is likely that the proposed development will lead to any significant increase in truck traffic on the existing residential streets in the area.

Staff finds that the proposed road system is in good general conformance with county circulation requirements, greatly improves the existing vehicular circulation in the area and provides an efficient means of conveying the truck traffic serving this industrially zoned area to the surrounding arterial roads.

Finding 14 Roads

The applicant proposes to extend NE 47th Avenue, to be stubbed to the site's east boundary by the Minnehaha Business Park (PSR2002-00028) to the east of the site, in conformance with the county classification of this roadway as a 3-lane Primary Industrial Road. The county classification of NE 47th Avenue was changed to a 2-lane collector with center turn and bike lanes (C-2cb) with the Clark County Comprehensive Plan update effective September 22, 2004. However, because this application was vested on June 10, 2004, the applicant shall not be required to improve NE 47th Avenue to the C-2cb standard, which requires a right-of-way width of 70 feet and a road width of 46 feet. The applicant shall extend NE 47th Avenue in accordance with the minimum standards of a Primary Industrial Road, as shown on CCC Table 40.350.030-6 and the Standard Details Manual, Standard Drawing #21, including:

- A minimum right-of-way width of 60 feet
- A minimum roadway width of 42 feet
- Curb and gutter
- Minimum detached sidewalk width of 6 feet

The applicant proposes to install a barricade on NE 47th Avenue at the northern property boundary. The existing street north of the barricade does not meet current transportation standards for public streets. The existing street is approximately 15 feet wide on this section of the road. Current transportation standards for public streets require a minimum width of 20 feet. The applicant proposes to install a temporary turnaround in compliance with county requirements.

The applicant shall coordinate the southerly extension and connection to NE 47th Avenue with the developer of the adjacent Minnehaha Business Park to ensure that a smooth and serviceable roadway connection is provided prior to final plat approval.

The applicant proposes to connect to existing partial-width improvements along NE 40th Avenue and extend the road through the site to the site's southern boundary. The preliminary plans show a full-width right-of-way of 80 feet and a full-width pavement width of 40 feet. The applicant shall extend NE 40th Avenue in accordance with the minimum standards of a Primary Industrial road, as described above. (see Condition A-7)

The applicant proposes a non-standard east-west roadway through the site, shown on the preliminary plans as NE 68th Street. This road includes large central islands incorporating the realigned open-channel sections of Cold Creek, which have been integrated with the site stormwater management facilities, and landscaping enhancements. The applicant has submitted a road modification request for the non-standard roadway configuration. Refer to Finding 18, below.

The applicant proposes to install substantial landscaping enhancements in the vicinity of the public road right-of-way. This landscaping is not a requirement of the Transportation Standards and county forces will not provide maintenance for this landscaping. Landscaping will not be allowed where it interferes with sight distance requirements.

Finding 15 Access

Access to the lots of the subdivision is complicated by the non-standard road geometry proposed for onsite NE 68th Street. The applicant has incorporated measure in the driveway design, such as widened pavement areas and joint driveways, to address concerns that the non-standard roadway is wide enough to accommodate the turning movements of the vehicles. Staff finds the information submitted with the preliminary plans to be sufficient to show the road configuration to be feasible. Prior to final engineering plan approval the applicant shall demonstrate that the proposed road geometry is wide enough to accommodate the turning movements of the heavy vehicles which will service the industrial park. The recommended design vehicle is an AAHSTO WB-50 truck. Because of the curvilinear alignment of the roadway, no driveway can be considered “typical,” and turning movements will need to be shown at each driveway. (see Condition A-8)

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal’s requirements shall take precedence when they are more stringent than the Transportation Standards.

Finding 16 Pedestrian/Bicycle Circulation

The applicant proposes to provide for pedestrian connectivity in the site vicinity by constructing sidewalks on the project street frontages, including a meandering sidewalk on the north and south sides of NE 68th Street which enters and leaves the right-of-way in several locations. Public access easements shall be provided for all locations where the sidewalk leaves the public right-of-way. (see Condition A-9)

County transportation standards do not require bicycles lanes for industrial roads.

Finding 17 Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. (see Condition A-10)

Finding 18 Road Modifications

- a. **Approval Criteria** - If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. The request shall meet one (or more) of the following four specific criteria:
 - (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
 - (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
 - (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
 - (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

b. **Modification Requests** - The applicant is requesting the following road modifications:

- Approval of a road configuration which does not comply with the dimensional and geometric requirements of a Local Industrial 2-lane road, as shown on CCC Table 40.350.030-6 and the Standard Details Manual, Standard Drawing #22A.
- Approval of the use of a reverse rolled curb to accommodate a stormwater filter strip adjacent to the inside edge of the road instead of standard concrete curb.
- Approval of block lengths and block perimeters which exceed the minimum standards provided by the county circulation plan review standards given in 40.350.030(B)(2).
- Approval of sidewalks adjacent to the curb on the west side of NE 40th Avenue and the east side of NE 47th Avenue, in order to match existing or planned road improvements by others (not specifically requested in application, but required for proposed sidewalk locations).

Preliminary discussions of the proposed roadway configuration with Clark County Public Works staff identified design elements which cannot be authorized through the approval of a road modification, but require approval of the Clark County Board of County Commissioners; specifically, the proposal to use one way roads, to reduce the design speed limit to 25 mph, and to prohibit parking on NE 68th Street. The applicant has provided an engineering study that requests approval of these three items. Public Works will review the study and prepare a staff report to be forwarded to the Board with recommendations. Subsequent clarification from Public Works staff suggests that the prohibition of parking on NE 68th Street can be addressed through approval of the signing and striping plans without BOCC approval. Prior to approval of the final plat, the applicant shall obtain the approval of Board of County Commissioners for the proposed use of one-way roads and the proposed reduction of the design speed limit to 25 mph. The applicant shall obtain approval from the appropriate decision-making authority of the proposed prohibition of parking on NE 68th Street. (see Condition A-11)

c. **Applicant's comments**

The non-standard roadway configuration proposed for NE 68th Street should be approved because it represents an alternative design which will provide a plan equal or superior to the road standards:

- Separating the travel lanes allows the applicant to maximize the area provided to maintain the open channel surface flow in Cold Creek, in accordance with county recommendations, while continuing to provide for east/west vehicular circulation, as is also required.
- All dimensional standards for the standard 2-Lane Local Industrial Road will remain unchanged, with two 16-foot paved lanes, two 25-foot half-width rights-of-way and detached, meandering 6-foot wide sidewalks.
- The applicant has incorporated design measures to mitigate potential adverse impacts that might result from not using the standard road configuration, which include:
 - Signage to clearly identify the direction of traffic flow.

- Driveways located at conveniently accessible locations to minimize any potential drive confusion.
- Turning median widths and driveway accesses designed to accommodate the turning movements of WB-50 trucks.

The use of reverse rolled curb on the inside edge of NE 68th Street should be approved because it represents an alternative design which will provide a plan equal to or superior the road standards:

- The reverse rolled curb allows for sheet flow of stormwater runoff into a water quality filter strip instead of concentrating flow as is done by conventional curb and gutter.
- The applicant will provide a fog line as a visual indication to the driver of the inside edge of pavement.
- The applicant proposes to provide private maintenance of the landscape medians and storm facilities in order to enhance the functional and aesthetic characteristics of the roadway edge.

The applicant should be allowed to provide block lengths and block perimeters which exceed county standards because:

- The proposed roadway design provides for safety and traffic operation which is equal to or superior to the design that would be achieved by strictly following the road standards because it allows for better use of the site's individual lot areas.
- The proposed roadway design provides a suitable access to the site as well as to other planned developments and traffic from the arterial NE Minnehaha Street.
- Provision of additional circulation roads, such as to the existing 60-foot wide easement south of the site, are not necessary and would provide no benefit.

The applicant should be allowed to provide sidewalks adjacent to the curb on the west side of NE 40th Avenue and the east side of NE 47th Avenue because:

- Existing curb-tight sidewalks on the west side of NE 40th Avenue and as shown on design plans for the east side of NE 47th Avenue impose an unusual hardship, and allowing curb-tight sidewalks on the site will provide an equivalent alternative which accomplishes the same design purpose.

d. Staff's Evaluation

Non-standard roadway configuration of NE 68th Street:

This project is located in an area of Cold Creek which is rapidly developing, resulting in significant changes to the hydraulic characteristics of the creek. The applicant has made a good faith effort to account for flood storage in the existing channel and the effect of existing constrictions, on and off the site, on flow capacity, water quality, and flood storage; while providing for greatly needed vehicular circulation in the vicinity of the development.

The proposed road design provides the same total pavement, sidewalk and right-of-way width as would be provided with the county standard road, but the travel lanes have been separated to provide large median areas which are graded and landscaped to provide storage volume in the realigned channel that emulates the

flood storage which presently exists in the channel. The applicant has maintained a significant length of open channel which has been planted to provide shading and other vegetative and landscaping enhancements. The applicant is to be commended for exceeding the minimum requirements of the Stormwater and Erosion Control Ordinance and attempting to design the required stormwater facilities as an amenity for the site.

The pre-application conference identified concerns regarding potential adverse impacts that might result from the non-standard road configuration, which included questions as to whether the proposed road geometry was wide enough to accommodate the turning movements of the heavy vehicles which will service the industrial park. The applicant held additional meetings with county staff prior to application to understand and resolve county concerns related to the proposed road geometry. Additional issues that were identified at these meeting included the potential for driver confusion regarding travel direction, loss of driving area and visibility due to trucks parked along the road, maintenance provisions, and approval criteria for the proposed geometry.

The applicant has responded to county concerns by providing additional detail on the signing and striping plans, widening and combining driveways, proposing to prohibit parking along the separated travel lanes, and by assuming private responsibility for the roadside filter strips, the other stormwater management facilities, and landscaping.

Staff finds that the information submitted with the application is sufficient to find that the non-standard roadway can feasibly perform equal to the standard industrial road, provided the recommended mitigation measures are employed.

Two of the recommended mitigation measures – the proposal to use one way roads and to reduce the design speed limit to 25 mph – cannot be authorized through the approval of a road modification, but require approval by the Clark County Board of County Commissioners. The applicant has provided an engineering study that would serve as the basis of staff's recommendation to the Board of County Commissioners. The review and approval of this study is a separate activity outside of the preliminary land use approval. Because the Board of Commissioners may be required to decide an appeal of the Hearings Examiners Final Decision, approval of the engineering study prior the expiration of the appeal period could result in ex parte contact. Therefore, the proposed road geometry can only be conditionally approved, subject to the Board of County Commissioners approval of the one-way road configuration and reduced speed limit. The applicant was so advised, and has accepted the risk to project approval which results from this condition. (see Condition A-11)

Reverse rolled curb on the inside edge of NE 68th Street:

Curbs are placed at road edges to collect and control rainwater running off of the road. In the conventional crowned road design, catch basins are placed at regular intervals to convey the collected rainwater to an underground pipe system where flows are combined and taken to large water quality facilities. In a filter strip design, which is a county approved Best Management Practice (BMP),

pollutants and debris in road side runoff is allowed to spread thinly and evenly over large vegetated areas, where physical filtration and biological uptake of nutrients provides water quality treatment of the stormwater.

The applicant has specified the reverse rolled curb in response to county comments related to maintenance issues observed on existing roadside filter strips. According to Operations and Maintenance staff, soil particles and debris tend to accumulate at the vegetated fringe of the filter strip, which interferes with the sheet flow off of the roadside. The reverse curb is intended to allow for continued sheet flow off of the road, since the accumulated material will still be lower than the road edge. The applicant has volunteered to be the party responsible for maintenance of this facility. (see Condition C-5)

A secondary function of curbs is to provide a visual indication of the road edge for motorists. The applicant proposes a painted stripe, also known as a fog line, to delineate the road edge, as is commonly done on uncurbed roads.

Staff finds that the applicant has proposed an alternative design which will provide a plan equal to or superior the road standards, and recommends approval of the use of reverse rolled curb.

Block lengths and block perimeters:

The applicant has submitted a circulation plan conforming to the requirements of CCC 40.350.030(B)(2), which is required of projects obligated to construct frontage improvements or conduct a transportation impact study. These standards require a maximum block length of 800 feet and a maximum block perimeter of 3,200 feet.

The block perimeter that exists at the site today exceeds 19,000 feet and requires traveling a very circuitous route through largely residential neighborhoods that are served by a single north-south circulation road – NE 58th Avenue. The applicant proposes to provide roadway connections to NE 47th Avenue and NE 40th Avenue. The applicant proposes an east-west road through the site to extend from the existing intersection of NE 68th Street and NE 40th Avenue at the site's western boundary to a proposed intersection with NE 47th Avenue near the site's eastern boundary. The resulting road network will provide for a maximum block length of approximately 2,000 feet and a maximum block perimeter of approximately 5,900 feet. These lengths exceed the maximum block length and perimeter given in the county standards, but represent a vast improvement from the existing condition. Refer to Transportation Finding 13 above for additional discussion of area circulation.

Staff finds that while the proposed road system exceeds the maximum block length and block perimeter of the Transportation Standards, the applicant has demonstrated that the street improvements proposed on their property will greatly improve the existing cross circulation in the vicinity and will allow future developments to extend such streets in a manner that results in an integrated road system that is efficient and safe. Therefore, staff recommends approval of the proposed road system.

Curb-tight sidewalk:

Staff concurs with the applicant and finds that the existing curb-tight sidewalks constructed on the west side of NE 40th Avenue and as shown on design plans for the east side of NE 47th Avenue represent existing construction which impose an unusual hardship; and allowing curb-tight sidewalks on the site will provide an equivalent alternative which accomplishes the same design purpose.

- e. **Staff Recommendations** - Based on the findings and the provisions of the Transportation Standards, staff recommends Approval of the requested modifications, subject to Condition A-11, since the criteria as described in Section CCC 40.550.010(1)(a) are met.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the county's transportation ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary transportation plan, subject to the recommended conditions of approval, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 19 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380), adopted July 28, 2000 (amended July 30, 2002 and September 17, 2002), applies to development and/or redevelopment activities that result in 2,000 square feet or more of new impervious surface; and all land disturbing activities, except those exempted in Section 40.380.030.

This project will create more than 2,000 square feet of new impervious surface, and it is a land disturbing activity not exempted in Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, 40.380.

Finding 20 Stormwater Proposal

The applicant states that project proposes to maintain the open surface water flow characteristics of Cold Creek, expanding upon the available area for management of onsite stormwater while providing significant vegetative and landscaping enhancement to the surface water facilities.

Stormwater quality control for the new road areas is proposed by means of roadside filter strips and two biofiltration swales. Each of the newly created lots will be responsible for providing stormwater quality control for newly created impervious surfaces through the Site Plan Review process.

Stormwater quantity is proposed for control for the new road areas and the future impervious surfaces created by development of the newly created lots in a 'regional' stormwater detention facility located within the median areas of the road where the open channel sections of Cold Creek are proposed to be located.

The proposed storm conveyance pipes are to be publicly maintained. The landscaping, water quality and detention facilities, and open channel section of Cold Creek located within Tracts A, B, C and D, will be privately maintained by the developer.

Finding 21 Site Conditions and Stormwater issues

The site area totals 40.35 acres and is currently covered with open grassland. Site slopes vary from 0 to 15 percent, with the majority of the site between 0 and 5 percent. Approximately 16 acres of land to the north of the site drains onto the northern portion of the site. It does not appear that significant quantities of runoff from adjacent properties to the south drain onto the site.

USDA, SCS mapping shows the site to be underlain by Hillsboro Loam soils (HIB and HIC), classified as AASHTO A-4 soils. The Stormwater and Erosion Control Ordinance (CCC 40.380) does not list A-4 soils as suitable for infiltration. The applicant does not propose to use infiltration to dispose of stormwater flows from the site.

This project is located in an area of the Cold Creek basin which is rapidly developing, resulting in significant changes to the hydraulic characteristics of the creek. The Minnehaha Business Park is located immediately upstream of the site. The proposed stormwater pipes at the east end of the site shall be required to adequately convey flows received from the upstream properties and not result in any blockage of flow. (see Condition A-12)

The proposed R. Jones 11-acre Warehouse Development is located immediately downstream of the site. In accordance with the requirements of CCC 40.380.040(C)(1)(g), no development shall be allowed to materially increase or concentrate flows onto an adjacent property. The development shall account for flood storage in the existing channel and the effect of existing constrictions on and off the site on flow capacity, water quality, and flood storage. (see Condition A-13)

In accordance with Section 40.380.040(C)(3), detention facilities shall be sized to detain the post-development stormwater runoff from the development, and only release runoff at a peak release rate equal to one-half of the pre-developed 2-year storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The applicant shall carefully evaluate the accommodation of offsite drainage that contributes to the project site, as it could adversely impact the size, configuration, or appurtenances associated with the detention facility. (see Condition A-14)

The final stormwater report and plans shall clearly show that the biofiltration swales will not be inundated during the water quality event. (see Condition A-15)

The final stormwater report and plans shall clearly describe the measures to be used to provide water quality treatment in compliance with county standards in the vicinity of NE 40th Avenue. (see Condition A-16)

The existing easement for Cold Creek will need to be extinguished and replaced along the proposed realignment. Due to the depth and large diameter required to convey the flow of Cold Creek, this easement will likely be wider than the minimum 20-foot wide storm sewer easement. (see Condition A-17)

The construction plans shall address the manner in which existing flows within Cold Creek are to be controlled during construction. (see Condition A-18)

In accordance with Section 40.380.040(C)(1)(h), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system. (see Condition A-19)

The proposed stormwater management facility is to be privately owned and maintained. In accordance with the requirements of CCC 40.380.040(H)(3)(b), the county may inspect privately maintained facilities for compliance with the requirements of the county stormwater and erosion control ordinance, and take code enforcement action if the facilities are not being properly operated or maintained. The applicant shall provide easements or a covenant acceptable to the county for purposes of inspection of privately maintained facilities. (see Condition A-20)

Finding 22 Erosion Control

The erosion control ordinance is intended to minimize the potential for erosion. An erosion control plan is required for all projects meeting the applicability criteria listed in CCC 40.380.030. This project is subject to the erosion control ordinance.

The fine-grained silts underlying the site can be very susceptible to erosion during work in wet conditions, particularly on sloping sites such as this one. The applicant is encouraged to incorporate erosion control strategies into the site design at the earliest stages of the design process, as this will be a matter of concern during construction.

Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to the recommended conditions of approval, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 23 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 24 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Condition B-4)

Finding 25 Fire Flow

Minimum fire flow requirements cannot be established at this time. Fire flow requirements will depend upon the size and construction type of buildings developed on this property. Fire flow requirements will be reviewed in conjunction with future site plan review applications.

Finding 26 Fire Hydrants

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet as measured along fire apparatus access roads. When buildings are constructed, fire hydrants will be required such that no portion of a building exterior is in excess of 300 feet from a fire hydrant. Fire Marshal staff indicates the indicated number and spacing of fire hydrants is adequate for this land division application. Additional hydrants may be required at time of site plan review. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Vancouver Fire Department at 360/696-8166 to arrange for location approval.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Condition A-21)

Finding 27 Fire Access and Maneuvering

The project is required to provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements. Additional fire apparatus access will be evaluated at time of site plan review.

WATER & SEWER SERVICE:

Finding 28 Utilities

The development is required to be connected to public water and sewer. The site will be served by the City of Vancouver water and sewer. The applicant submitted a current utility review from the city confirming that services are available to the site, and indicating the extension requirements.

Prior to final plat approval, the applicant shall provide documentation from the City of Vancouver that water and sewer connections to the new lots have been installed and approved. (see Condition A-22)

Finding 29 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition D-11)

IMPACT FEES:

Finding 30 Traffic Impact Fees

In accordance with CCC 40.610.040(B), impact fees for non-residential development shall be calculated at time of site plan review.

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 24, 2004 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, (360) 397-2375 ext. 4921

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plans (identified as Exhibits #5 & #6), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval

- A-1** The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final plat approval. (see Finding 6)

- A-2** The applicant shall install a separate southbound left turn lane and all related features on NE St. Johns Road at the intersection with NE 68th Street, and provide storage adequate to accommodate the 95th percentile vehicle queues, unless otherwise directed by the Director of Public Works. The turn lane shall be operational according to approved plans prior to final plat approval. A letter from the applicant volunteering the turn lane is required for an approval recommendation from Public Works–Transportation. (see Finding 9)
- A-3** The applicant shall install separate westbound left and right turn lanes and all related features on NE 68th Street at the intersection with NE St. Johns Road, and provide storage adequate to accommodate the 95th percentile vehicle queues, unless otherwise directed by the Director of Public Works. The turn lanes shall be operational according to approved plans prior to final plat approval. (see Finding 9)
- A-4** The applicant shall submit a signing and striping plan and a reimbursable work order authorizing Clark County Road Operations to perform the required signing and striping within the county right-of-way. This plan and work order shall be approved by the Department of Public Works Transportation prior final plat approval. (see Findings 9 & 10)
- A-5** The applicant shall install a traffic signal at the NE 47th Avenue and NE Minnehaha intersection and all related features unless otherwise directed by the Director of Public Works. The turn lanes shall provide storage adequate to accommodate the 95th percentile vehicle queues. The signal shall be operational according to approved plans prior to final plat approval.

Establishment of a Latecomer Reimbursement Area is a legislative action, requiring a public hearing and Board of County Commissioners approval. Transportation staff will familiarize the applicant with the requirements and assist in the processing of the application. (see Finding 10)

- A-6** The applicant shall reimburse the City of Vancouver for the cost of concurrency modeling incurred in determining the impact of the proposed development, in the amount of \$5,760.00.

The applicant shall also pay City construction inspection fees if off-site mitigation is required in City right-of-way. (see Finding 12)

- A-7** The applicant shall extend NE 40th and NE 47th Avenues in accordance with the minimum standards of a Primary Industrial Road, as shown on CCC Table 40.350.030-6 and the Standard Details Manual, Standard Drawing #21. The applicant shall provide temporary turnarounds as required to meet county standards. The applicant shall coordinate the extension and connection to NE 47th Avenue with the developer of the adjacent Minnehaha Business Park to ensure that a smooth and serviceable roadway connection is provided prior to final plat approval. (see Finding 14)

- A-8** Prior to final engineering plan approval the applicant shall demonstrate that the proposed road geometry is wide enough to accommodate the turning movements of the heavy vehicles which will service the industrial park. The recommended design vehicle is an AAHSTO WB-50 truck. Because of the curvilinear alignment of the roadway, no driveway can be considered "typical," and turning movements shall be shown at each driveway. (see Finding 15)
- A-9** Public access easements shall be provided for all locations where the sidewalks leave the public right-of-way along on-site NE 68th Street. All sidewalks, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act. (see Finding 16)
- A-10** Proposed intersections and driveways shall be constructed accordance with the sight distance requirements of CCC 40.350.030(B)(8). (see Finding 17)
- A-11** Prior to approval of the final plat, the applicant shall obtain the approval of Board of County Commissioners for the proposed use of one-way roads and the proposed reduction of the design speed limit to 25 mph. The applicant shall obtain the approval from the appropriate decision-making authority of the proposed prohibition of parking on NE 68th Street. (see Finding 18)
- A-12** The proposed stormwater pipes at the east end of the site shall adequately convey flows received from the upstream properties, and not result in any blockage of flow. (see Finding 21)
- A-13** In accordance with the requirements of CCC 40.380.040(C)(1)(g), no development shall be allowed to materially increase or concentrate flows onto an adjacent property. This development shall account for flood storage in the existing channel and the effect of existing constrictions on and off the site on flow capacity, water quality, and flood storage. (see Finding 21)
- A-14** In accordance with CCC 40.380.040(C)(3), detention facilities shall be sized to detain the post-development stormwater runoff from the development, and only release runoff at a peak release rate equal to one-half of the pre-developed 2-year storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The applicant shall carefully evaluate the accommodation of offsite drainage that contributes to the project site, as it could adversely impact the size, configuration, or appurtenances associated with the detention facility. (see Finding 21)
- A-15** The final stormwater report and plans shall clearly show that the biofiltration swales will not be inundated during the water quality event. (see Finding 21)
- A-16** The final stormwater report and plans shall clearly describe the measures to be used to provide water quality treatment in compliance with county standards in the vicinity of NE 40th Avenue. (see Finding 21)
- A-17** The existing easement for Cold Creek shall be extinguished and replaced along the proposed realignment. Due to the depth and large diameter required to

convey the flow of Cold Creek, this easement will likely be wider than the minimum 20-foot wide storm sewer easement. (see Finding 21)

- A-18** The construction plans shall address the manner in which existing flows within Cold Creek are to be controlled during construction. (see Finding 21)
- A-19** The proposed lots shall be designed to provide positive drainage from the bottom of footings to an approved stormwater system. (see Finding 21)
- A-20** Easements or a covenant acceptable to the county shall be provided to the county for purposes of inspection of the privately maintained stormwater facilities. (see Finding 21)
- A-21** The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed as measured along approved fire apparatus access roads. Hydrant locations shall be approved by the Vancouver Fire Department. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Finding 26)
- A-22** The applicant shall provide documentation from the City of Vancouver that water and sewer connections to the new lots have been installed and approved. (see Finding 28)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Prior to establishing any uses on this site and prior to issuance of a building permit for any lot on this plat, the applicant shall obtain final site plan approval in accordance with CCC 40.520.040. (see Finding 2)
- B-2** Prior to any excavation and construction on the site, the applicant shall notify the contractors to be alert for contamination on the site. If contamination is discovered, it shall be reported to the Washington Department of Ecology. Sampling of the potentially contaminated media shall be conducted. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. (see Finding 5)
- B-3** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall

remove the temporary signs immediately after the county installs the permanent signing and striping. (see Finding 11)

- B-4** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Finding 24)

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

Archaeological:

- C-1** "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

Critical Aquifer Recharge Areas:

- C-2** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

Erosion Control:

- C-3** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

Utilities:

- C-4** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

Privately Owned Stormwater Facilities:

- C-5** "The developer is responsible for long-term maintenance of the privately owned stormwater facilities."

Driveways:

- C-6** "All driveway approaches entering public roads are required to comply with CCC 40.350."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- D-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Final Construction Plan Review:

- D-2** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.030.

Pre-Construction Conference:

- D-4** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county.

Erosion Control:

- D-5** Prior to construction, the applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-6** A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall not be removed without county approval.

Excavation and Grading:

- D-9** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

- D-10** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Water Wells and Septic Systems:

- D-11** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). (see Finding 29)

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3).
5. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
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A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>